REMARKS

[01] Amendment to the Claims

[02] Claim 1 has been amended to clarify that the update for the application about which usage data is collected. Claim 6 has been amended as suggested to overcome a formality noted by the Examiner.

[03] Prior Art Rejections: Overview

[04] The final action rejects claims for anticipation and obviousness. The rejections helpfully indicate passages where claim limitations are to be found. However, the actual mapping of claim elements to elements disclosed by the prior-art references is left "as an exercise to the reader". In this regard, the Examiner may have overestimated Applicants' abilities.

[05] For example, all claims require presentation to a user of a prioritized list. A number of passages from the cited references are referred to the Final Action as teaching this limitation, but most of these passages do not even mention a list. In other cases, there are multiple candidates to consider. For example, do the claimed updates relate to messages, rules, actual software updates, in Hoyle, which of the several applications mentioned corresponds to the claimed application. Applicants respectfully request that the Examiner specify with greater particularity which prior-art elements correspond to claim elements.

[06] Anticipation by Hoyle—Claims 1 and 3-5

[07] The Final Action of August 17, 2007 rejects Claims 1 and 3-5 for anticipation by U.S. Patent No. 6,141,010 to Hoyle, "Hoyle" herein. Claim 1 has been amended but not in a manner that should affect these grounds of rejection. In any event, these rejections are traversed.

[08]   Anticipation by Hoyle Claim 1

[09]   Claim 1 requires an "update site presenting to a user a list of said updates as prioritized in" a prioritizing step". The prioritizing is required to be a function of usage data.

[10]   Hoyle appears to disclose an application 10 with an advertising and data management module 14, the latter interacting with an ADM server 22 to determine what advertising banners are to be displayed in a banner section of application 10 as a function of usage of application 10. Hoyle does disclose determining priorities as a function of usage data, but these are used to display which banner to display. Hoyle does not disclose displaying a list of prioritized banners or any other prioritized list. Accordingly, Hoyle does not anticipate Claim 1.

[11]   Anticipation by Hoyle Claim 3

[12]   Claim 3 depends from Claim 1 and adds the limitation that a "user selects one or more of said updates for said application." The Final Action purports to find this limitation met at Hoyle, column 15, lines 14-28. However, this passage does not disclose a user selecting an banner or any other update. Instead ADM module 54 selects the banner to be displayed. Accordingly, the additional limitation presented by Claim 3 is not met.

[13]   Anticipation by Hoyle: Claim 4

[14]   Claim 4 depends from Claim 3 and adds the limitation that one of said updates (i.e., one of the updates that have been prioritized and presented in the list) are installed so as to modify said application. The Final Action refers to Hoyle, Fig. 10, block 190 ("Builder Routine") for this limitation. Builder routine 190 does install updates so as to modify application 10, but does so automatically. These updates are not the banners and are not prioritized by usage data and are not presented to

the user in a list. If Claim 4 is to be construed consistently with the claims from which it depends, its additional limitation is not disclosed by Hoyle.

[15]   Anticipation by Hoyle: Claim 5

[16]   Claim 5 depends from Claim 1 and adds the limitation wherein further development of the application is directed in part as a function of usage data. The Final Action refers to Hoyle, Fig. 10, Builder Routine 190. However, Fig. 10 says nothing about further development, let alone further development directed by the usage data used to select banners to be displayed. Accordignly, the further limitation of Claim 5 is not met by Hoyle.

[17]   Anticipation by Hoyle: Claim 6

[18]   Independent Claim 6 requires presenting a list of prioritized updates to a user. Hoyle discloses presenting banners to a user, but not a list of banners nor a banner including a list. Thus, Hoyle does not anticipate Claim 6.

[19]   Anticipation by Hoyle: Claim 8

[20]   Claim 8 depends from Claim 6 and adds a limitation that a web interface specifies advantages for at last some of the updates. The Final Action purports to find this limitation met at Hoyle, column 7, line 27-columnt 8, line 29. The only mention of an "advantage" in this passage occurs at column 8, line 23; this is an advantage specified by Hoyle, not by a web interface. Hoyle does not meet the additional limitation of Claim 8.

[21] Anticipation by Hoyle: Claims 9 and 10

[22] Claim 9 depends from Claim 6, and Claim 10 depends from Claim 9. The rejections for anticipating of these claims by Hoyle aer traversed according to the reasoning given above for Claim 6.

[23] Anticipation by Adkins: Claims 1 and 3-5

[24] The Final Action rejects Claims 1 and 3-5 for anticipation by U.S. Patent Publication 2003/0191730 to Adkins et al., "Adkins" herein. These rejections are traversed

[25] Anticipation by Adkins: Claim 1

[26] Claim 1 requires presenting a user with a list of prioritized updates for an application. The Final Action refers to several par paragraphs either as disclosing prioritizing updates or presenting the list to the user. For example, Adkins paragraph [50] is cited as disclosing both prioritization and the list. This paragraph does imply that messages can have different priorities, but does not suggest that the messages are presented in a list. Also, the messages are not updates for an application. Adkins paragraph [60] is also cited for prioritizing updates. This paragraph discusses prioritizing rules; however, the rules are not presented to a user either in a list or otherwise. Also, the rules do not relate to updates for an application. Adkins paragraph [67] also talks about prioritizing rules, but again, these are not presented to the user.

[27] Adkins paragraph [48] is purported to disclose presenting a list to a user. This paragraph discloses that a message can be presented to a user and that the message can include multiple items. Adkins does not disclose that the items are prioritized as a function of usage. None of these items relate to an update for an application. The message is not disclosed to be an item of a list of such messages that is presented to a user. Adkins paragraphs [53]-[57] only mention a "list" in connection with activities that have little to do with updates for an application. Adkins paragraph [66] does relate to software updates, but these are "downloadable . . .by the backend 430". Adkins does not teach that a list is presented to a user in the process of downloading and updating.

[28] Applicants cannot determine from the paragraphs cited in the Office Action, what element in Adkins is supposed correspond to the updates: is it the messages or the rules or the updates to usage enhancement system. Also, Applicants cannot determine what the Examiner believes is the element of Adkins that corresponds to the claimed list. Additional specificity is respectfully requested.

Claim 10 depends from Claim 9 and adds a limitation regarding integration of

[29] Anticipation by Adkins: Claim 3

Claim 3 depends from Claim 1 and adds the limitation that a "user selects one or more of said updates for said application." The Office Action purports to find this limitation met at Adkins paragraph 53-57. These paragraphs disclose a user selecting activities, but these activities do not involve updates. These paragraphs do not disclose a user selecting updates.

[30]   Anticipation by Adkins: Claim 4

Claim 4 depends from Claim 3 and adds the limitation that one of said updates (i.e., one of the updates that have been prioritized and presented in the list) are installed so as to modify said application. The Final Action asserts these limitations are disclosed at paragraphs 48-50 and 60. None of these paragraphs disclose updating an application.

[31]   Anticipation by Adkins: Claim 5

Claim 5 depends from Claim 1 and adds the limitation wherein further development of the application is directed in part as a function of usage data. The Final Action refers to Adkins Fig. 6, and paragraphs 67-70. Adkins FIG. 6 or paragraphs 67-70 do not discuss further development of an application program, such development as a function of usage data.
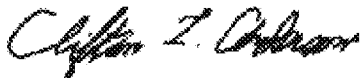
Obviousness Given Adkins & Meyers

[32]   Claims 6 and 8-10 are rejected as obvious over a combination of Adkins and U.S. Patent No. 7,016,944 to Meyer, "Meyer" herein. These rejections are traversed because neither reference discloses presenting a list of application updates to a user. Also, some of the arguments for rejection confusingly refer to "Rajan", which Applicants read as "Adkins".

[33] CONCLUSION

[34] The objection Claim 6 is overcome by amendment. The prior-art rejections are traversed because the Examiner has not established that all claimed elements are taught by the cited references. These references do not disclose that a list of prioritized updates is presented to a user. Despite the reference in the Final Action to specific passages, Applicants had trouble figuring out what elements in the prior art were asserted to correspond to claim elements. More specificity in this regard is respectfully requested in the event any of the rejections are maintained. However, Applicants have made a diligent effort to interpret the rejections in their strongest form and cannot find that they anticipate or render obvious the invention. Accordingly, it is respectfully submitted that the present application is in condition for allowance, which allowance is respectfully requested.

Respectfully submitted

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